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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Wheeler C. Dudley, :
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Plaintiff, :
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-against- :
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Andrew Saul, :
as Commissioner of Social Security, :
:
:
Defendant. :
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:
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ORDER

20-CV-07462 (VSB) (KHP)

KATHARINE H. PARKER, United States Magistrate Judge.

The docket in this action indicates that the complaint was filed on September 11, 2020 and that no proof of service of the summons and complaint has been filed. Rule 4(m) of the Federal Rules of Civil Procedure provides:

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. This subdivision (m) does not apply to service in a foreign country under Rule 4(f), 4(h)(2), or 4(j)(1), or to service of a notice under Rule 71.1(d)(3)(A).

The time to serve the complaint has now expired. In accordance with Rule 4(m), plaintiff is notified that it is the intention of the Court to dismiss this action. In the event that plaintiff wishes to move for an extension of the time for service, the motion for an extension of time must be filed on or before **Wednesday, March 17, 2021**. Any such motion must show good

cause for the extension and must include a complete description under oath of all efforts made to date to effectuate service. In addition, the application to extend the time for service must comply with the Local Rules of the United States District Court for the Southern District of New York, including Local Rules 6.1 and 7.1. If the defendant's address is known, service of the notice of motion and accompanying papers should be made by mail on the defendant. If no motion is filed by **Wednesday, March 17, 2021** in accordance with this Order, this action will be dismissed.

SO ORDERED.

Dated: February 24, 2021
New York, New York

A handwritten signature in blue ink that reads "Katharine H. Parker". The signature is written in a cursive, flowing style.

KATHARINE H. PARKER
United States Magistrate Judge